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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,012	12/23/2005	Hiroyuki Furushima	Q91175	2834
23373 7590 01/27/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER TSENG, CHENG YUAN	
			ART UNIT 2184	PAPER NUMBER
			MAIL DATE 01/27/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/562,012

**Applicant(s)**

FURUSHIMA ET AL.

**Examiner**

CHENG-YUAN TSENG

**Art Unit**

2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/23/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. The rejection made under 35 U.S.C. 101 is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Yuen et al. (U.S. Patent 6,850,808), hereinafter referring to as Yuen.

Referring to claim 5, Yuen discloses **a peripheral device for a programmable logic controller** (fig. 2, programmable logic controller 22 with server computers 24), comprising:

**a processor** (fig. 2, processor 26); and  
**a memory** (fig. 2, memory 28) storing **software modules** (fig. 2, control program 34; fig. 5, automation desktop), the software modules comprising:

**an instruction table for storing instructions** (col. 5, lines 8-10, I/O table; fig. 5, template conveyor 213) and **corresponding input/output types of parameters** (col. 5, lines 8-10, control variables) for the instructions;

**a search/determination means** (fig. 3, repository 50; fig. 5, template library 208) for searching the instruction table for **an instruction in a code in a portion of a sequence program** (fig. 3, project) selected as diversion data **from an existing diversion-source sequence program** (fig. 3, library 60), to determine **a corresponding input/output type of a parameter** (fig. 3, control variables of templates 70; col. 5, lines 39-40) for the instruction;

**a search result creating/storing means** (fig. 3, wrapper program 90; col. 6, line 66 through col. 7, line 1) for creating and storing [into a memory (claim 7)] **a search result table** (col. 7, lines 1-6, linking variables in memory) by **combining an address** (col. 6, lines 59-65, linking, such as linking DLLs) in the code in the selected portion of the sequence program, with the determined corresponding input/output type;

**a component data creating means** (fig. 3, wrapper program 90) for **creating a variable data table** (fig. 7, block 326, record new version of template) by replacing the determined corresponding input/output types stored in the search result table with variable names, and for creating **component data** (fig. 6, create compound object 232) by adding the corresponding variable names to variables and to circuit information; and

**a component data diversion means** (fig. 6, system equipment hierarchy) for diverting the component data into **an arbitrary position in a designated sequence program** (fig. 8, Kam & Joe's plant 660).

Referring to claims 7 and 13, they recite the corresponding limitations of claim 5 as set forth above. Therefore, they are rejected accordingly.

As to claims 6 and 8, Yuen discloses the peripheral device for the programmable logic controller according to claim 5, further comprising:

**a sequence-program-component storing means** (fig. 2, memory 44) for storing into a component storage the created component data as a sequence program component;

**a sequence-program-component displaying device** (fig. 1, computer display 25) for displaying the sequence program components stored in the component storage;

**a sequence-program-component selecting means** (fig. 4, automation desktop 200) for selecting a desired sequence program component from the sequence program components displayed by the sequence-program-component displaying device; and

**a sequence-program-component diversion means** (fig. 2, operating system 36) for diverting the selected sequence program component into a new sequence program.

As to claims 9 and 10, Yuen discloses the peripheral device for the programmable logic controller according to claim 5, wherein the input/output types of the parameters for the instructions comprise **an input type, an output type, and an internal type** (col. 3, lines 21-27, programming language variables has read/write/local variables).

As to claims 11-12, Yuen discloses the peripheral device for the programmable logic controller according to claim 5, wherein **a user selects the portion of the sequence program** (fig. 8, automation desktop 600 is a user application) from the existing diversion-source sequence program being displayed.

***Response to Arguments***

4. Applicant's arguments filed on December 2, 2008, have been fully considered, but they are moot in view of new grounds of rejection.

***Conclusion***

5. Applicants' amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, this action is made final. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire in THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date of the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than six months from the date of this final action.

***Contact Information***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chengyuan Tseng whose telephone number is (571)272-9772. The examiner can normally be reached on 09:00-16:00 Monday-Thursday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai can be reached on (571)272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CT/

Patent Examiner, AU 2184

**/Henry W.H. Tsai/  
Supervisory Patent Examiner, Art Unit 2184**